

<p style="text-align: right;">Page 82</p> <p>1 divulge his name? He's a --</p> <p>2 MR. KOSNOFF: Tell us a little bit more about why you,</p> <p>3 why you think you can't it.</p> <p>4 A. He is an attorney and he has assisted in our case.</p> <p>5 Q. (BY MR. STONE) Is this Mr. Rasmussen?</p> <p>6 A. No, so I guess it doesn't matter.</p> <p>7 Q. Is he your attorney?</p> <p>8 A. No.</p> <p>9 Q. Okay.</p> <p>10 A. There is my attorney.</p> <p>11 Q. I understand Mr. Kosnoff is your attorney. Who was the</p> <p>12 attorney to whom you have spoken?</p> <p>13 A. [REDACTED] He is a [REDACTED] boy, or his family is,</p> <p>14 are [REDACTED], and he has relayed things about the [REDACTED]</p> <p>15 boys that to me is kind of bizarre and I don't know what to</p> <p>16 attribute it to.</p> <p>17 Q. Such as?</p> <p>18 A. Such as [REDACTED] who is the older brother, he was a year</p> <p>19 above me in school, lives secluded in an apartment in which</p> <p>20 he has painted it all black, has no or limited social</p> <p>21 interaction, has basically shut himself off.</p> <p>22 Q. And where does he live?</p> <p>23 A. I think in Spokane somewhere.</p> <p>24 Q. But you have not seen this yourself?</p> <p>25 A. No, I haven't.</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. So I guess is there any other basis, any other</p> <p>2 information which tells you or leads you to believe that</p> <p>3 [REDACTED] had been abused even if they had spent some</p> <p>4 time up at the cabin of Patrick O'Donnell?</p> <p>5 A. Just from my experience of what happened to me when I</p> <p>6 spent time with O'Donnell, looking back, seeing other people</p> <p>7 spend time with him is, it makes me wonder.</p> <p>8 Q. Okay, but nothing further than that?</p> <p>9 A. No.</p> <p>10 Q. And would for instance any of these people go to the</p> <p>11 cabin three to five times a week over a five-year period?</p> <p>12 A. No.</p> <p>13 Q. Did Patrick O'Donnell go to the cabin without you on</p> <p>14 occasion with someone else?</p> <p>15 A. Occasionally, (nods head affirmatively).</p> <p>16 Q. And that would be in addition to the three to five times</p> <p>17 a week that he went there with you?</p> <p>18 A. Right, or he would be, he had somebody with him just</p> <p>19 about all the time, whether it was going to the cabin,</p> <p>20 whether it was going to Spokane to do errands or anywhere.</p> <p>21 We, we, I, others were with him.</p> <p>22 Q. Okay. Did you ever meet [REDACTED]?</p> <p>23 A. I'm not sure. I, I don't recall.</p> <p>24 Q. Okay. Were you ever abused by anyone else other than</p> <p>25 Patrick O'Donnell and Mr. Kuhn?</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. And this is information apparently communicated to you</p> <p>2 by this [REDACTED]?</p> <p>3 A. Correct.</p> <p>4 Q. And do you know, does [REDACTED] represent [REDACTED]</p> <p>5 [REDACTED]?</p> <p>6 A. No. I don't believe any of those individuals except for</p> <p>7 [REDACTED] is involved in this proceeding.</p> <p>8 Q. Okay. Well, regardless if they are involved in this</p> <p>9 proceeding --</p> <p>10 A. Or any proceeding, I haven't talked to them.</p> <p>11 Q. Any other bizarre behaviors that you, or that have been</p> <p>12 told to you?</p> <p>13 A. No, I don't think so.</p> <p>14 Q. Okay. Any information communicated to you by or about</p> <p>15 [REDACTED] that causes you to believe that somehow they</p> <p>16 were molested, or he was molested?</p> <p>17 A. He spent time with O'Donnell also. I don't know</p> <p>18 specifically how much or what or the details or anything.</p> <p>19 Q. But other than spending some time with him, are you</p> <p>20 referring to the cabin?</p> <p>21 A. Correct.</p> <p>22 Q. Did you ever see him abused?</p> <p>23 A. No.</p> <p>24 Q. Did he ever see you abused?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 85</p> <p>1 A. Not to my recollection, no.</p> <p>2 Q. Okay.</p> <p>3 MR. STONE: Counsel, it's five after 12. Do you want to</p> <p>4 take a lunch break?</p> <p>5 (Noon recess was taken at 12:00 p.m. and deposition</p> <p>6 reconvened at 1:00 p.m. with the same parties present.)</p> <p>7 Q. (BY MR. STONE) Go back on the record.</p> <p>8 [REDACTED] I wanted to ask you specifically about any</p> <p>9 conversation you have had with [REDACTED]. Have you had</p> <p>10 any with him?</p> <p>11 A. Just a brief, when I first found out he was involved in</p> <p>12 this proceeding, hi, how are you doing? Sorry to hear you</p> <p>13 too, kind of thing. That was a couple of years ago.</p> <p>14 Q. Is he older or younger than you?</p> <p>15 A. He is younger.</p> <p>16 Q. I think what you were saying is that you first had any</p> <p>17 contact with him about any potential subject matter even</p> <p>18 related to any abuse was after the filing of the lawsuit.</p> <p>19 You found that he was a plaintiff with you?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. Who made the assignments of who was a plaintiff</p> <p>22 with whomever, do you know?</p> <p>23 A. I have no idea.</p> <p>24 Q. Do you know any of the other plaintiffs in this case</p> <p>25 other than, in your case other than [REDACTED]</p>

<p style="text-align: right;">Page 86</p> <p>1 A. I understand there is a couple more in [REDACTED]. If I 2 heard their names I would probably know their names because 3 it is such a small town but --</p> <p>4 Q. As you sit here today do you off the top of your head 5 know any of the names?</p> <p>6 A. I think there is another [REDACTED] involved. I can't 7 remember his first name.</p> <p>8 Q. Have you had any conversations with the other [REDACTED] 9 regarding background for this for the circumstances of the 10 lawsuit?</p> <p>11 A. No, not at all.</p> <p>12 Q. Prior to the filing of the lawsuit had you had any 13 conversations with [REDACTED]</p> <p>14 [REDACTED] regarding specifics of your alleged 15 abuse?</p> <p>16 A. Prior to the filing?</p> <p>17 Q. Yes, sir.</p> <p>18 A. Just [REDACTED] the night that O'Donnell's picture came on 19 TV.</p> <p>20 Q. Okay. What discussion did you have with [REDACTED] on that 21 evening?</p> <p>22 A. To the best I can remember it went along the lines of he 23 felt really bad. He had no idea that this had occurred, and 24 looking back he wanted to kick O'Donnell's butt now that he 25 is an adult so to speak. He was angry for me, you know,</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. But never with a male?</p> <p>2 A. Absolutely not.</p> <p>3 Q. After Patrick O'Donnell left the area, I believe you 4 indicated or recalled it was around 1985, remember what time 5 of year it was?</p> <p>6 A. I remember it must have been spring, summer, fall. 7 There was no snow that I remember.</p> <p>8 Q. Did you have any discussions with him at that time as to 9 the reasons for his departure or where he was going?</p> <p>10 A. No. All he stated, it was my understanding that he was 11 going to the coast I believe, Seattle, for a counseling 12 position or to be a counselor or something to do with that.</p> <p>13 Q. Did he say where in Seattle?</p> <p>14 A. Not that I recall. I was young. I didn't know anything 15 other than Seattle --</p> <p>16 Q. Okay, but when you say --</p> <p>17 A. -- area.</p> <p>18 Q. -- you were young, by that time you were roughly 17, 19 right?</p> <p>20 A. Right, but I had never ventured over on the coast much. 21 I didn't know direction from anything. I, I, I had been 22 there for sports to the Kibbie, or I'm sorry, the King Dome, 23 but I honestly couldn't tell you where that is today. I 24 don't spend a lot of time over there.</p> <p>25 Q. Is that by choice?</p>
<p style="text-align: right;">Page 87</p> <p>1 that this had happened.</p> <p>2 Q. Did you find out from that whether or not it had 3 happened to him?</p> <p>4 A. I asked him and he said no.</p> <p>5 Q. Are you aware of anyone as among the plaintiffs, whether 6 it be in your lawsuit or any of the other lawsuits involving 7 Patrick O'Donnell, who indicate that they were also anal 8 penetrated by Patrick O'Donnell on any occasion, other than 9 yourself?</p> <p>10 A. No. I haven't spoken to anyone in that depth of a 11 conversation, not even, anyone.</p> <p>12 Q. Okay. I also want to ask you in terms of the sexual 13 activity in which you were engaged with Patrick O'Donnell 14 and Mr. Kuhn, did that also include any oral sex?</p> <p>15 A. I don't know. I don't recall.</p> <p>16 Q. You don't remember?</p> <p>17 A. I don't remember, (shakes head negatively).</p> <p>18 Q. But you do remember the anal penetration?</p> <p>19 A. Yes, I do.</p> <p>20 Q. Okay. Have you ever engaged in sodomy or anal 21 penetration of anyone else?</p> <p>22 A. I believe maybe once with my second wife, but that would 23 be all.</p> <p>24 Q. Okay, and that's in the course of your marriage?</p> <p>25 A. Yeah, in our marriage.</p>	<p style="text-align: right;">Page 89</p> <p>1 A. Yes. Or no, it's by no desire to really go over there. 2 For my job a couple of years ago I used to have to drive to 3 Kent every week when my truck would get full, to the 4 processing facility there. I knew how to get to the, you 5 know, to the plant and back to here, but any other thing I 6 was lost. I didn't have any idea.</p> <p>7 Q. Now after Patrick O'Donnell left did you have any 8 further communications with him at any time?</p> <p>9 A. Just briefly when he returned to [REDACTED] I don't know 10 if he was in town for a weekend or something. I think I ran 11 into him and said, hey, you know, what's going on, how are 12 you doing, that sort of thing, but nothing in depth or 13 anything like that.</p> <p>14 Q. Do you recall when that meeting would have been?</p> <p>15 A. I would say within the year that he left.</p> <p>16 Q. Within a year of his departure date?</p> <p>17 A. Correct.</p> <p>18 Q. So it could have been in '86?</p> <p>19 A. Correct. I don't recall exactly or --</p> <p>20 Q. Do you know where he stayed then?</p> <p>21 A. No idea.</p> <p>22 Q. Did anything occur between the two of you incidental to 23 that visit that would be sexually abusive?</p> <p>24 A. No.</p> <p>25 Q. After the spring, fall of 1985, did you ever have</p>

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<p>1 occasion to go to Lake Coeur d'Alene to that cabin again?</p> <p>2 A. No.</p> <p>3 Q. Now in the course of discussion you also mentioned in</p> <p>4 addition to the hot tub and the cabin the fact that Patrick</p> <p>5 O'Donnell had a boat?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Did you go on some boating trips as well?</p> <p>8 A. Absolutely.</p> <p>9 Q. And did anything untoward occur incidental to those</p> <p>10 outings?</p> <p>11 A. We went tubing nude, water-skiing nude. We would pull</p> <p>12 back, I remember one occasion we pulled back into a cove.</p> <p>13 It must have been late fall or spring because the water was</p> <p>14 very, very cold. We had to wear like a wet suit or a dry</p> <p>15 suit to stay warm because of the temperature, and we still,</p> <p>16 or we played, you know, a dice game on the boat, this time</p> <p>17 to jump into the water, and we ended up sleeping on the</p> <p>18 boat.</p> <p>19 Q. Who is we?</p> <p>20 A. O'Donnell, myself, and I believe it was [REDACTED]</p> <p>21 Q. Were you sexually abused during this other than</p> <p>22 potentially the, maybe the dice game?</p> <p>23 A. I don't recall exactly what occurred, but he, I remember</p> <p>24 him touching me, fondling me. I remember him being aroused,</p> <p>25 but I don't recall anything further than that.</p>	<p>1 other boys sleeping or whatnot, and occasionally where I, we</p> <p>2 would go into the room.</p> <p>3 Q. Okay. I'm just not for sure understanding. Is he doing</p> <p>4 this to you while other boys are physically in the same</p> <p>5 room?</p> <p>6 A. Asleep, yes.</p> <p>7 Q. Okay, but, you are assuming, not aware of what was going</p> <p>8 on between the two of you?</p> <p>9 A. Correct.</p> <p>10 Q. And did you ever have a circumstance other than with</p> <p>11 Mr. Kuhn where you were ever discovered in your actions or,</p> <p>12 by anyone else?</p> <p>13 A. No.</p> <p>14 Q. You mentioned earlier that you were apparently the butt</p> <p>15 of a lot of harassment by fellow students, classmates,</p> <p>16 beginning at an early age, but were you ever harassed or I</p> <p>17 guess chided for your relationship with Patrick O'Donnell?</p> <p>18 A. No.</p> <p>19 Q. Anybody ever call you a homosexual or a faggot or any of</p> <p>20 these kinds of names?</p> <p>21 A. Not that I'm aware, no.</p> <p>22 Q. Did you ever discuss with Patrick O'Donnell anything</p> <p>23 having to do with your feelings about engaging in any kind</p> <p>24 of relationship like this?</p> <p>25 A. No. I just know that at that time I so enjoyed the</p>
<p>Page 91</p> <p>1 Q. And when he typically would touch or fondle you is he</p> <p>2 touching your penis, your testicles?</p> <p>3 A. Both.</p> <p>4 Q. Is he touching your anus as well?</p> <p>5 A. On some occasions. If I was like laying on my side he</p> <p>6 would be around behind me, and he would reach over me and</p> <p>7 touch my genitals, my genitals and penis, and he, his body</p> <p>8 would be touching my body from behind.</p> <p>9 Q. Okay, but would he be penetrating your anus at that</p> <p>10 point or incidental to that?</p> <p>11 A. Sometimes, yes.</p> <p>12 Q. Okay, and typically when this kind of activity took</p> <p>13 place, other than Mr. Kuhn's potentially being present was</p> <p>14 anyone else ever present, any other boys?</p> <p>15 A. On the boat --</p> <p>16 Q. Yes.</p> <p>17 A. -- or --</p> <p>18 Q. Or anywhere else for that matter, with respect to the</p> <p>19 activity you just described?</p> <p>20 A. On the boat [REDACTED] would be present, and when we</p> <p>21 would go to the cabin and spend the night he had like the</p> <p>22 hot tub room, which is right off the, it was a small cabin</p> <p>23 which had a living room, a bathroom, kitchen, and I believe</p> <p>24 two other bedrooms, and we would build a fire, fall asleep,</p> <p>25 and he would also do that to me there on the floor with</p>	<p>Page 93</p> <p>1 attention. He didn't do it -- in my mind now it's rape. It</p> <p>2 is not sexual abuse, to me it's flat-out rape, and, but</p> <p>3 during that time it was, I guess I didn't know any better</p> <p>4 about what kind of relationship you are supposed to have</p> <p>5 with another person, an authority figure so to speak.</p> <p>6 Q. Well, he wasn't any authority figure over you, was he,</p> <p>7 other than being an adult and you were under the age of 18?</p> <p>8 A. He was a Catholic priest which is --</p> <p>9 Q. But you are not a Catholic and never were?</p> <p>10 A. But in my mind it's, it's still an authoritative</p> <p>11 position. I can't walk into the Catholic Church and become</p> <p>12 a priest, I can't walk into a doctor's office and be a</p> <p>13 doctor, but they still are authority over, I think over me</p> <p>14 as far as when I'm a young boy. He was in charge of the</p> <p>15 faith of God.</p> <p>16 Q. But you were never brought up in the Catholic Church to</p> <p>17 have any specific beliefs relative to a priest, were you,</p> <p>18 other than respect potentially to an adult?</p> <p>19 A. I was brought up to respect my adults and authoritative</p> <p>20 figures just like a teacher. You don't, you respect them</p> <p>21 whether they are your teacher or not.</p> <p>22 Even though he, I'm not Catholic or anything, he was in</p> <p>23 a position I thought to be ordained by God to --</p> <p>24 Q. But you weren't taught that as part of any religious</p> <p>25 faith?</p>

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1 A. No. That was my own understanding.
 2 Q. And isn't it true that none of these events that you
 3 'have described or alluded to occurred incidental to any
 4 religious activity?
 5 A. No.
 6 Q. No, that is not true, or no, they didn't occur
 7 incidental to any religious activity?
 8 A. No, they didn't occur. The only thing I recall about
 9 the Catholic Church in [REDACTED] one time, I don't even
 10 recall what it was for, but I remember putting on the gown
 11 and there was something going on in the church and he asked
 12 me, me and some other boys to take part in it. It was some
 13 religious function.
 14 Q. You were asked to put on a gown?
 15 A. Whatever you call them, the --
 16 Q. A cassock?
 17 A. I don't know.
 18 Q. Is it black?
 19 A. I believe so. I can't remember the exact color but I
 20 remember putting it on and we held the sticks with the
 21 candle or the thing with them, whatever that is.
 22 Q. And you were not sexually abused incidental to any of
 23 those exercises I trust?
 24 A. No.
 25 Q. And so just to be again perfectly clear, isn't it true

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1 that you were never sexually abused incidental to any
 2 religious function in which you were participating with
 3 O'Donnell? Isn't that a true statement?
 4 A. Yes, it is.
 5 Q. I wanted to know after Patrick O'Donnell left why you
 6 didn't discuss this with your folks?
 7 A. No. 1, I didn't know how to bring something like that
 8 up. I never discussed really much of anything with my
 9 folks. I never, just general statements, where are you
 10 going, whom are you with, what are you doing kind of things,
 11 but never, oh, by the way, I've been molested by a Catholic
 12 priest for the last four years, how was your day kind of
 13 thing. It is not something you bring up.
 14 Q. Was it troubling to you?
 15 A. Very, (nods head affirmatively).
 16 Q. And did you have a coach or perhaps one of these female
 17 teachers that you deliberately decided not to talk to about
 18 any of this, even just to get some help or get some
 19 direction on where to go for help?
 20 A. At that time I really didn't see, I don't know what I
 21 was thinking. I just know that in the back of my mind I
 22 knew it was wrong and unacceptable, but the, at the same
 23 time I knew that I enjoyed his attention and his affection.
 24 Q. Now if I recall correctly in looking at the
 25 interrogatories, apparently you worked for a period of two

1 months at Rosalia Producers as an elevator operator after
 2 graduation from high school, correct?
 3 A. Correct.
 4 Q. And apparently that was a seasonal type employment?
 5 A. Correct.
 6 Q. So it wasn't something you were fired or anything, it
 7 was just the season, the harvest was over?
 8 A. Correct.
 9 Q. And apparently you went into the Army according to this
 10 at least, Exhibit 1 and your answers to interrogatories
 11 No. 6, apparently you went in the Army in January of '88?
 12 Is that right?
 13 A. Correct.
 14 Q. What did you do between August and January of '88?
 15 A. Lived off my harvest money and drank a lot.
 16 Q. In Rosalia?
 17 A. Rosalia, Spokane, Spangle, Waverly, Fairfield, which are
 18 all communities around Rosalia.
 19 Q. Where did you live?
 20 A. Rosalia.
 21 Q. In the family home?
 22 A. Rosalia.
 23 Q. No, excuse me, did you live in the family home in
 24 Rosalia?
 25 A. Yes.

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1 Q. And did your parents have an awareness that you were
 2 drinking heavily?
 3 A. I would assume so. My father from time to time had
 4 purchased it for us, for me.
 5 Q. Who is us?
 6 A. For me and my friends, and if not, I knew where to get
 7 it.
 8 Q. And was this even before you turned 18?
 9 A. Correct.
 10 Q. You went into the military when, January of '88?
 11 A. January, (nods head affirmatively).
 12 Q. And your age at that time was 18?
 13 A. No, I would have been 19.
 14 Q. Okay, and so just to be sure again, you gave a birth
 15 date of [REDACTED] of '68, so as of [REDACTED] of --
 16 MR. KOSNOFF: Turned 20 in April --
 17 (Discussion off the record.)
 18 A. I was held back a year in school is why.
 19 Q. (BY MR. STONE) That explains it.
 20 A. I should have stated that.
 21 Q. So when you were, when you said that this was occurring
 22 up through 1985, this abuse, what year were you in school
 23 when it ceased?
 24 A. Sophomore. I was held back in kindergarten.
 25 Q. Do you know why?

EXHIBIT D

<p style="text-align: right;">Page 86</p> <p>1 life?</p> <p>2 A. I participate in basketball and football and</p> <p>3 baseball.</p> <p>4 Q. Was that school or Boys Club?</p> <p>5 A. Both. In Spokane they had junior football,</p> <p>6 so I played junior football. And it outside of the</p> <p>7 school. It was not a school league. It was outside. I</p> <p>8 don't know who the sponsor was.</p> <p>9 I played basketball on school teams. I</p> <p>10 eventually played frosh football for [REDACTED]. They</p> <p>11 had a freshman thing that would go from junior football to</p> <p>12 freshman football, and so I did that. I played Boys Club</p> <p>13 baseball as well.</p> <p>14 Q. Being honest with us, were you a good</p> <p>15 athlete?</p> <p>16 A. Yeah, I was pretty good.</p> <p>17 Q. Okay. Did you have a letter in anything high</p> <p>18 school?</p> <p>19 A. Yes.</p> <p>20 Q. What did you letter in?</p> <p>21 A. Football, track and -- just football and</p> <p>22 track.</p> <p>23 Q. Was that at [REDACTED].</p> <p>24 A. Yes.</p> <p>25 Q. How many years?</p>	<p style="text-align: right;">Page 88</p> <p>1 CCD. There were lay teachers. I know that my parents</p> <p>2 taught classes sometimes. But he was involved. He was --</p> <p>3 I mean, he was the person that would always go on the</p> <p>4 retreat, for example.</p> <p>5 I guess the way I remember it is that he</p> <p>6 was kind of a presenter at classes or that he would come</p> <p>7 to classes and teach specific things. And he was involved</p> <p>8 in the confirmation process as well.</p> <p>9 Q. At this point in time, did you have someone</p> <p>10 you would consider your best friend?</p> <p>11 A. (Pauses.)</p> <p>12 Q. I guess I'm asking who would you hang out</p> <p>13 with?</p> <p>14 A. I had a group of friends, yes.</p> <p>15 Q. Who were they?</p> <p>16 A. [REDACTED].</p> <p>17 Q. Spell the last name, if you can.</p> <p>18 A. [REDACTED] He was a friend of mine.</p> <p>19 [REDACTED]</p> <p>20 Q. Can you repeat that?</p> <p>21 A. [REDACTED]</p> <p>22 And Jim -- I can't remember his last name.</p> <p>23 Q. Were these classmates of yours in elementary</p> <p>24 school and junior high over there?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 87</p> <p>1 A. Two years football and I think the same in</p> <p>2 track.</p> <p>3 Q. Junior and senior years, you think?</p> <p>4 A. I believe so, yeah.</p> <p>5 Q. When you were in Spokane, did you participate</p> <p>6 in any sporting event, sporting activity in which Father</p> <p>7 O'Donnell was involved as a coach or participate in any</p> <p>8 way?</p> <p>9 A. Not that I remember.</p> <p>10 Q. Okay. So the kinds of things that you did</p> <p>11 related to Assumption Parish were CCD -- essentially the</p> <p>12 religious instruction classes taught once or twice a week</p> <p>13 or so or whatever it was --</p> <p>14 A. Yes.</p> <p>15 Q. The youth group retreats, confirmation</p> <p>16 training and actual confirmation?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. If anything else comes to mind, tell</p> <p>19 me about it. Okay?</p> <p>20 The CCD, was Father O'Donnell involved in</p> <p>21 any way with it?</p> <p>22 A. Yes.</p> <p>23 Q. How?</p> <p>24 A. I think some classes he taught. I don't know</p> <p>25 the specific nature of his responsibilities as far as the</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. Did any of these three people that you've</p> <p>2 identified attend or participate in any activities at</p> <p>3 Assumption Parish?</p> <p>4 A. Not at Assumption.</p> <p>5 Q. Okay. To your knowledge, were any of these</p> <p>6 three friends of yours ever sexually abused by anyone?</p> <p>7 A. Not to my knowledge.</p> <p>8 Q. Did you ever do drugs with them in high</p> <p>9 school or junior high?</p> <p>10 A. This was junior high school.</p> <p>11 Q. Yeah.</p> <p>12 A. And no.</p> <p>13 Q. Okay. Any drinking over there?</p> <p>14 A. There were -- there were a few times when I</p> <p>15 drank over there.</p> <p>16 Q. With them?</p> <p>17 A. No, not with them. No.</p> <p>18 Q. With whom?</p> <p>19 A. With -- there were family friends of ours</p> <p>20 whose parents also were involved in Assumption Parish.</p> <p>21 And they had kids of the same age. And I remember -- I</p> <p>22 remember drinking wine with them just a time or two later</p> <p>23 in the time that I was there.</p> <p>24 Q. Going back to Father O'Donnell and the CCD</p> <p>25 classes, was there ever any what you would consider to be</p>

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1 inappropriate sexual contact with him that centered around 2 the CCD classes as opposed to the retreats?	1 A. When we got there, I remember walking, 2 carrying my things. I probably had a bed roll and a 3 knapsack or something like that. I remember him, Father 4 O'Donnell, steering me to the back of that room, to the 5 back of the line of spaces where the bed rolls got laid 6 out, and saying, "You can be down here on the end with 7 me."
4 Q. Yes.	8 I remember -- I don't remember a lot about 9 that retreat, but I remember waking up -- it was dark and 10 after nightfall -- with him rubbing my back. And I was 11 laying on my stomach, and he was rubbing my shoulders and 12 back and moving down my back. And he was laying next to 13 me or sort of on top of me. And --
5 A. Or as opposed to the retreat in CCD classes?	14 Q. Do you remember what you were wearing?
6 Q. Not necessarily in them but, you know, 7 associated with your going to school there.	15 A. I think I was probably just wearing shorts or 16 underwear.
8 A. Not that I would say associated with those 9 classes, no.	17 Q. Is that what you normally slept in?
10 Q. Okay. Then you said you went on a -- on some 11 youth retreats. One or more or --	18 A. That's what I've always slept in, I think.
12 A. Well, I specifically remember my confirmation 13 retreat. I very specifically remember my confirmation 14 retreat.	19 Just...
15 Q. Where was that?	20 So I remember being scared and 21 uncomfortable and pretending to be asleep. I remember him 22 whispering to me, but I don't remember what he said.
16 A. I don't know. It was -- it was at a camp 17 outside of Spokane. I don't know the name of it or 18 specifically where it was.	23 I remember him trying to roll me over, 24 rubbing my buttocks, reaching around -- trying to reach 25 around underneath me and trying to roll me over. I
19 Q. And what were the sleeping arrangements 20 there?	
21 A. At that -- on that retreat?	
22 Q. Yeah.	
23 A. The boys and girls were separate.	
24 Q. Were you like in barracks or --	
25 A. It was almost kind of like a barracks. It	
Page 91	Page 93
1 was a long building. And I remember the sleeping 2 arrangements were boys sleeping bags laid out side by side 3 down the length of, you know, a wooden room. It was like 4 a cabin type of a room.	1 remember trying to make myself wide (indicating) so that 2 he couldn't turn me over. I was still trying to pretend I 3 was asleep, of course.
5 Q. Were they beds?	4 He tried really hard to turn me over. And 5 when he couldn't, he was angry. I remember his hands 6 inside my shorts or whatever I was wearing. And after he 7 got angry, he put his finger in my rectum.
6 A. There were not beds.	8 MR. PFAU: Are you okay? Do you want to take a 9 break?
7 Q. So it was sleeping bags on the floor?	10 THE WITNESS: No.
8 A. Yes.	11 I remember that this happened and I 12 remember how it felt, that I was humiliated. I remember 13 that it hurt a lot.
9 Q. About how many kids were on this retreat?	14 BY MR. BERGMANN:
10 A. I remember the boys room, and I would say 11 that there were 10 to 15 boys.	15 Q. Do you remember how you ended this or how you 16 ended this particular event?
12 Q. By the way, when were you confirmed? Do you 13 remember the year you were confirmed? If you can 14 relate -- if you want to relate it to a year in school, do 15 that.	17 A. No.
16 A. I think it would have been '76. I think it 17 could have been '75. It was somewhere in there.	18 Q. Did you -- were you in your sleeping bag?
18 Q. Springtime?	19 A. I believe so. The sleeping bags, they were
19 A. It was a summertime activity, I believe.	20 the big square ones, you know, with the zippers that go 21 (indicating) --
20 Q. And the retreat was obviously before the 21 actual -- the bishop came out and confirmed you; is that 22 correct?	22 Q. Right.
23 A. Yes, sir.	23 A. So I think I was zipped open on one side and 24 that he was next to me and sort of on top of me, but...
24 Q. Why don't you tell us about that incident.	25 Q. Do you recall it being a particularly warm
25 What happened during that retreat?	

<p style="text-align: right;">Page 94</p> <p>1 night or cold night?</p> <p>2 A. No. I remember -- well, no, I don't. I 3 don't.</p> <p>4 Q. Do you think it was in the summer?</p> <p>5 A. I remember my confirmation being bright 6 sunshine, and I think it was summer. We weren't in 7 school. It was a -- I believe it was when school was out, 8 so that's why I think it was in summer.</p> <p>9 Q. In relation to the actual confirmation date, 10 when was this retreat?</p> <p>11 A. I think it was -- I think it was fairly late 12 in the whole process. So as a guess, I would say a week 13 to two weeks before the confirmation day.</p> <p>14 Q. Do you think you were out of school then?</p> <p>15 A. Boy --</p> <p>16 Q. Don't know?</p> <p>17 A. I don't know.</p> <p>18 Q. Okay.</p> <p>19 A. During the confirmation?</p> <p>20 Q. Yeah. No, during the retreat. I mean, was 21 that a time of the year when you were already out of 22 school?</p> <p>23 A. That's my feeling about it.</p> <p>24 Q. Okay.</p> <p>25 A. But I don't have a specific --</p>	<p style="text-align: right;">Page 96</p> <p>1 A. He was the only adult in that room that night 2 to the best of my...</p> <p>3 Q. Did you ever, while on that retreat mention 4 this occurrence to anybody else?</p> <p>5 A. No.</p> <p>6 Q. When was the first time you told anyone about 7 it?</p> <p>8 A. Specifically about that incident?</p> <p>9 Q. Yeah.</p> <p>10 A. I told [REDACTED] some --</p> <p>11 Q. That was within the last couple of years; is 12 that right?</p> <p>13 A. That was -- yeah, that was in July of '02.</p> <p>14 Q. Have you ever told your parents?</p> <p>15 A. Specifically about that, no.</p> <p>16 Q. Have you told anyone other than [REDACTED]?</p> <p>17 A. I have related that story to [REDACTED].</p> <p>18 Q. Who is he?</p> <p>19 A. He's an investigator for -- that was employed 20 by the Archdiocese of Seattle. I related that story to 21 the investigator for the Board of Health. That the health 22 licensing bureau or [REDACTED] was his name.</p> <p>23 [REDACTED] I've told him that story and I've told my 24 doctor.</p> <p>25 Q. How about your [REDACTED]?</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. At any rate, you don't remember how, but that 2 occurrence ended that night; is that right?</p> <p>3 A. (Pauses.)</p> <p>4 Q. At some point in time he went back and he 5 left you alone?</p> <p>6 A. He didn't go back, he was next to me.</p> <p>7 Q. Did you say anything to him ever?</p> <p>8 A. I don't think so.</p> <p>9 Q. You described earlier when you were talking 10 about Father McGreal, you pushed him away. Did you try to 11 push Father O'Donnell away?</p> <p>12 A. I don't think so.</p> <p>13 Q. Did you go back to sleep that night?</p> <p>14 A. I don't remember.</p> <p>15 Q. Were any of your [REDACTED] with you on this 16 trip?</p> <p>17 A. No.</p> <p>18 Q. Any other good friends with you on that trip?</p> <p>19 A. No.</p> <p>20 Q. Were there other chaperons or adults on the 21 trip?</p> <p>22 A. There were girls there, so I imagine there 23 were.</p> <p>24 Q. Well the girls, but was he the only person 25 there with the boys in that room?</p>	<p style="text-align: right;">Page 97</p> <p>1 A. They were in my house when this meeting with 2 [REDACTED] --</p> <p>3 Q. Yeah. Did they hear you --</p> <p>4 A. I don't know if they heard it then. And what 5 I remember about that -- what I remember about finishing 6 that story to [REDACTED] that night was that I wrote the words 7 because my mother was there too.</p> <p>8 Q. Your mother was there?</p> <p>9 A. My mother was there that night. And I think 10 she asked for our permission to stay in the room while we 11 told our stories.</p> <p>12 So anyway, I wrote the words "digital 13 penetration" on a piece of paper and handed it to [REDACTED] 14 because I couldn't say it in front of -- in front of those 15 people, my brothers and my, my mother.</p> <p>16 Q. The statement that your you're looking at 17 there --</p> <p>18 A. Uh-huh.</p> <p>19 Q. -- [REDACTED] actually prepared that after 20 the interview with you; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And then she sent it to you for your approval 23 or input?</p> <p>24 A. Yes. Well --</p> <p>25 Q. Did you make any changes to it?</p>

<p style="text-align: right;">Page 98</p> <p>1 A. I did make changes to the copy that she sent 2 me. They were kind of minor, but this was -- it was so -- 3 it was -- it was incomplete and it was, I thought, devoid 4 of emotion or feeling. 5 And when I talked to her about it, she said 6 that she had done that purposely. And so I wrote a letter 7 to attach to it when I sent it back with changes. 8 MR. BERGMANN: We don't have that, do we, Mike? 9 MR. PFAU: I think I sent your everything I 10 have. 11 THE WITNESS: I mean, I don't think I gave it to 12 them because when they asked -- I mean, I sent all of this 13 stuff -- [REDACTED] has this stuff. 14 MR. BERGMANN: Flip through that pile of papers 15 there, down about three or four, there's a two page letter 16 to [REDACTED]. 17 MR. PFAU: Not with what he has, John. 18 BY MR. BERGMANN: 19 Q. Oh, not with what you have there? It's 20 something that's dated 1/20/03. 21 A. Uh-huh. 22 Q. Does that look like what you wrote back? 23 A. That's it. 24 Q. Okay. And for the record, that's a two-page 25 document. That's obviously a draft because it's not</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. It says, "I already reported what happened 2 with Father McGreal." 3 A. Yes. 4 Q. And then you briefly described what I believe 5 you've already told us. 6 A. Yes. 7 Q. Did you make a similar -- or was there a 8 similar statement prepared for you relating to your 9 contact with Father McGreal? 10 A. I think what I was talking about was that I 11 had told her about this the first time I talked to her. 12 Q. Okay. 13 A. That she had taken that statement and that 14 she felt like the O'Donnell stuff was going to be -- was 15 going to go to Spokane and that she wanted to take a -- 16 that she -- what she said to me was, "We know all about 17 McGreal. We -- you know, that was our -- we were at fault 18 in that. That's" -- she said, "That I can deal with." 19 And so I believe she took this statement from me the first 20 time I saw her. The first time I saw her, she took this 21 statement about McGreal. 22 Q. Did you ever see the statement that she took 23 about McGreal? 24 A. Well, no. It wasn't a statement that was 25 prepared and for review. I never --</p>
<p style="text-align: right;">Page 99</p> <p>1 signed by anyone. 2 A. I may have e-mailed it to her. I may have 3 attached it and e-mailed it. 4 Q. Did you do it? 5 A. I wrote this. 6 Q. Okay. Did either one of you [REDACTED] have 7 any input in it? 8 A. They looked at it and they added a little bit 9 to it, but it was -- I generally authored it. 10 Q. Okay. I won't take a whole lot more time 11 here, but I do want to ask you a couple more questions 12 here. Okay? 13 A. (Witness nods head affirmatively.) 14 Q. I'm sure that you're going to get asked more 15 questions about this later, but I won't have the 16 opportunity to be here, and I apologize. 17 A. I understand. 18 Q. In the paragraph -- I'm going back to your 19 statement down here. 20 A. Uh-huh. 21 Q. Okay? 22 A. Okay. 23 Q. In your last paragraph you -- it relates to 24 Father McGreal. 25 A. Yes.</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. Nothing like this -- 2 A. No. 3 Q. -- was prepared relating specifically to 4 Father McGreal? 5 A. I don't think so. 6 Q. Okay. Was there only the one incident with 7 Father McGreal? 8 A. Yes. 9 Q. Okay. I'll try to be brief with this other 10 one. 11 A. That's okay. 12 Q. The incident described in the second 13 paragraph -- 14 A. Mm-hm. 15 Q. -- was that a -- was that a building you 16 described or -- he called -- he -- was that a building he 17 called the YMCA? I'm sorry. 18 A. I don't believe I ever called it the YMCA. 19 Q. He did? 20 A. I never thought of it that way. I don't 21 think he did. 22 Q. Oh, okay. 23 A. I think [REDACTED] got that from my [REDACTED] 24 because I know that my [REDACTED] had that recollection, that 25 it was a YMCA.</p>

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1 Q. Do you now know what it was?	A. I've heard that -- I've heard the name of it,	1 Q. Okay.	A. Although I think I was young enough at that
2 yes.		2 time, I may not have known what that was.	3
4 Q. What name --	A. It was a St. Somebody-or-rather --	4 Q. Okay. Did he ask you to touch him?	5
5	Something-or-rather. I don't know.	5 A. I remember having my hands on the side of the	6 pool.
6		7 Q. Okay.	
7 Q. St. Michaels?	A. It doesn't stick in my head. I've heard it	8 A. Not then. Later in the shower he did.	
8	five or six times.	9 Q. Same occasion?	
9		10 A. Yes.	
10 Q. Okay. But it was a white building with a	white front?	11 Q. Did you touch him then?	
11		12 A. Yes, I think I did.	
12 A. My memory is that it was a white building,	13 Q. Did he have an erection?	13	
13 yes.		14 A. I believe so, yes.	
14 Q. Okay. You said there were other old men	15 Q. And again there was no one else present other	15	
15 there.	16 than the two of you. That's your recollection in the	16	
16 A. Well --	17 shower?	17	
17 Q. Are you saying men the age of Father	18 A. Not in the shower, no.	18	
18 O'Donnell at the time or older than he?	19 Q. Do you recall this being before the	19	
19 A. I remember them as being older than him. And	20 confirmation retreat?	20	
20 I think I may have only said one. It's not like it was a	21 A. Yes. I mean, I can't date it, but I	21	
21 big gathering of men. It was one or two.	22 remember -- yeah, I remember being very -- feeling very	22	
22 Q. Okay. Did you have an understanding as to	23 young and feeling older at the confirmation retreat.	23	
23 whether they were priests?	24 Q. When he was doing that to you in the pool and	24	
24 A. I had -- I don't know that we talked about	25 in the shower, did you have a feeling that this wasn't	25	
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1 Q. Did they associate with the two of you?	A. No.	1 right?	
2 A. No.		2 A. Yes. Well, it wasn't so much a matter of	
3 Q. Okay.		3 right or wrong but just so extremely uncomfortable.	
4 A. I remember specifically that he kept that		4 Q. Okay. Had anyone ever done that to you	
5 from happening.		5 before?	
6 Q. And the incident that you describe here was		6 A. (Witness shakes head negatively.)	
7 that he took you to the side of the swimming pool and		7 Q. Has anyone ever done that to of you since,	
8 masturbated you. Is that correct?		8 other than the attempt by Father McGreal?	
9 A. Yes. He --		9 A. Anyone?	
10 Q. Did he or is that --		10 Q. Well, I -- I know you had some other contacts	
11 A. Oh, no. Yes, he did. I guess I'm -- I want		11 with Father O'Donnell but anyone other than Father	
12 to give you, I don't know, the full picture. My memory of		12 O'Donnell?	
13 that --		13 A. You mean nonconsensual?	
14 Q. Sure.		14 Q. Yeah.	
15 A. -- is of me holding the side of the pool in		15 A. Right, no.	
16 the deep end and him around me and holding -- holding the		16 Q. Okay. Have you had consensual touching like	
17 sides of the pool, his hands outside of my hands, his		17 that with other males?	
18 front pressed against my back. And then him -- yes,		18 A. No.	
19 reaching down and...		19 Q. With females?	
20 Q. Did you have an erection?		20 A. Well --	
21 A. I can't say for sure.		21 Q. Yes?	
22 Q. Okay. Do you recall ejaculating?		22 A. Yes.	
23 A. Me?		23 Q. Okay. By the way, how -- do you have good	
24 Q. Yeah.		24 sexual relationship with your wife?	
25 A. No.		25 A. Yes.	

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1 Q. Okay. In here, in this second paragraph 2 of -- 3 I'll leave the pool and the shower incident 4 for the time being. Okay? 5 "The other times he would fondle me in his 6 car." 7 A. Yes. 8 Q. Was that while you were living in Spokane? 9 A. That was -- it happened when we were living 10 in Spokane, and it also happened on this particular time 11 that I was talking about. That was after we had moved 12 back here -- Spokane. 13 Q. Did you go out to the lake with him? 14 A. Yes. 15 Q. Which lake did you go to? 16 A. Well, there were a lot of the Assumption 17 families gathered on Lake Coeur d'Alene. Somebody had a 18 house there, one of the families, and he would drive up 19 and bring his boat. 20 Q. And did you go out there with him or with 21 your family? 22 A. Well, I may have driven -- I may have driven 23 out with him. I don't have a specific memory of the time 24 of when I drove to Lake Coeur d'Alene -- well -- with him. 25 Now --	1 Q. From where to where? 2 A. From Bellevue to -- I'm not sure what lake we 3 were going to. It's possible that we were -- that that 4 was another trip to Lake Coeur d'Alene. We made a lot of 5 them, and I think it's also possible we were going to a 6 different lake. I don't really remember. 7 Q. Can you describe the boat he was pulling 8 over? 9 A. Not very well. It was a -- it was -- I don't 10 know boats particularly, but it was a cabin cruiser. It 11 had a -- I know that it had a -- the boat he was towing. 12 I have a specific memory of what his -- of what one of his 13 boats were. I don't know whether he had more than one at 14 any time. 15 Q. What was -- 16 A. So the boat we were towing that day -- 17 Q. Mm-hm. 18 A. -- big and white is -- that's really the 19 only -- that's as close as I could get to actually 20 describing it. 21 Q. Do you remember what kind of a car it was 22 that you were in? 23 A. It was a truck or a Jeep. 24 Q. Anybody else besides you? 25 A. No.
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1 Q. You mentioned -- 2 A. I usually went with my family to the lake 3 because we all went out there. 4 Q. Yeah. At the lake when you went with your 5 family, was there any impermissible touching by him of 6 you? 7 A. I don't have specific memories of anything 8 happening on Lake Coeur d'Alene, no. 9 Q. Okay. How about on the boat in general? 10 A. I don't have any memories of actually on the 11 boat -- 12 Q. Okay? 13 A. -- of having that happen to me, no. 14 Q. You mentioned that there were trips taking 15 the boat from one side of the state to the other. 16 A. Right. 17 Q. Did that occur after you had moved over here? 18 A. Yes. Well, this was -- this was a specific 19 trip that was talking about. 20 Q. Was it just one occasion like that? 21 A. Well, the one that I've related -- that I 22 related to [redacted] that she's alluding to here, she didn't 23 write it very specifically. But yes, that was a trip 24 after we moved here. He was towing his boat and I drove 25 with him by myself across the mountains.	1 Q. You said you had specific recollections about 2 a boat that he had? 3 A. Right. 4 Q. What specific recollections of a boat do you 5 have? 6 A. I remember going out on a boat, on his boat. 7 Q. Yeah. 8 A. And I believe that it was here. It wasn't at 9 a lake on the east side either before or after we moved. 10 It was here on the west side of the mountains. And we 11 went out -- I think it was. And we went out on his boat. 12 And I remember -- I do remember the inside that it had a 13 little birth in back that you could stand on. And I 14 remember it had a cabin that you could go inside and there 15 was a sleeping birth in the bow. 16 Q. A V birth there? 17 A. Yeah, exactly. 18 Q. Of that boat -- 19 A. Uh-huh. 20 Q. -- over here, was there any impermissible 21 contact by him of you? 22 A. Of me, not to my recollection, no. 23 Q. Let's go back to the trip across the state. 24 A. Uh-huh. 25 Q. What happened?

1 A. Well, it sticks out in my memory because of a
 2 particular event that happened during the trip. I
 3 remember being -- that we were all worried that it was
 4 going to get cancelled and our vacation was going to get
 5 cancelled because of gas. There was no gas. There was a
 6 gas shortage, and there was -- there were big lines to get
 7 gas, and it was getting really expensive. And they were
 8 actually rationing. You know, places would run out. So
 9 there were only certain days when gas was available, and
 10 we were worried that we wouldn't be able to go on our
 11 vacation.

12 So we were driving, he and I, across the
 13 mountains. We were, you know, on I-90, I believe, because
 14 that's what we usually took. And it was somewhere on the
 15 eastern side when we pulled off. We saw a gas -- a big
 16 gas pole, you know, sign -- signage for a gas station.
 17 And we pulled off to get gas. And there was a sign on the
 18 gas pumps that said "ten gallon limit." And we pulled
 19 into the gas pump.

20 And he was either filling up two tanks in
 21 the Jeep or the truck that he was in or he was filling --
 22 or he switched it to the boat. But he filled up -- he
 23 went over -- and they weren't automated then, so it wasn't
 24 set to shut off -- and he just kept pumping. And I
 25 watched him do it, and I watched it roll past ten gallon.

1 And I saw him look at me and go, "well, we'll just keep
 2 going until it stops." And he was switching tanks. And
 3 he kept on going. And it was just -- I couldn't believe
 4 it. I was shocked that he was doing this.

5 It wasn't stealing, but it was -- I mean,
 6 the sign was right there. He acknowledged the sign. He
 7 sort of winked at me. And I was just -- I was appalled
 8 because he just kept going. And he kept filling up gas,
 9 whatever tank he was filling up, until the guy came
 10 walking out of the service station and walked across and
 11 just reached over and shut it off. And there was just
 12 like a brief exchange like, you know, "Hey, that's the
 13 limit." "I don't know."

14 So I remember that time mostly for that
 15 incident. Also because he was -- on that trip, he would
 16 do what he called "Father Pat's rolling confession." And,
 17 you know, the face to face confession had just come about
 18 in the last, I don't know, four or five years, you know --

19 Q. Mm-hm.

20 A. -- the reforms of the church at that time --
 21 so that you could take confession face-to-face with the
 22 priest. And so he said, "Well, we can do it. We can do
 23 it anywhere." So we did that.

24 And I remember feeling really split
 25 about -- I'm sorry. I'm getting off the track, but it was

1 just -- I remember feeling split about doing these rolling
 2 confessions because on the one hand I didn't have to go to
 3 confession at, you know, some other time or some regular
 4 arranged time. And I felt, you know, all the things that
 5 you feel after confession, or that I used to, forgiven.

6 At the same time, it was also a very
 7 uncomfortable situation. And he would try to direct the
 8 conversation towards sexual matters. And so I remember on
 9 this particular trip that we had done that too. We did
 10 one of the rolling -- but that was kind of a regular
 11 thing.

12 And I also remember on this trip that he
 13 unzipped his pants and pulled out his penis and, you know,
 14 was taking my hand -- was trying to put it on his lap. He
 15 probably did put it on his lap and, you know -- and I
 16 remember him reaching over and fondling me too and me -- I
 17 just really realized on that trip that he was a bad man.
 18 And I'd always thought that he was -- you know, he was
 19 this priest. He was Father Pat.

20 And that -- I think that that -- that was
 21 the last time that happened to me.

22 Q. This was on the same trip involving the gas
 23 station --

24 A. Yes.

25 Q. -- and the rolling confession?

1 A. Yes.
 2 Q. And was this also on the eastern Washington
 3 side of the state or didn't you recall?

4 A. Well, we were heading east and it was -- oh,
 5 when that happened?

6 Q. Yes.

7 A. It was after the gas station thing, so yes.

8 Q. And did you allow him to touch you?

9 A. I remember that whole encounter as being
 10 fairly brief, but -- well, it was long enough for me to --
 11 to think about -- to have thoughts like, "Wow, I'm in a
 12 car and we're rolling and I can't get out of here." So it
 13 wasn't like a little flash either. But it --

14 Sorry, what was the question?

15 MR. PFAU: Listen to the question and -- do you
 16 need a break or are you doing okay?

17 MR. BERGMANN: Just give me a couple more
 18 minutes.

19 THE WITNESS: Yeah, he's --

20 MR. BERGMANN: Don't do it for me, but if you
 21 want a break we'll take a break.

22 MR. PFAU: Well, I just want to make sure if you
 23 need a break we can take a break. If not, Mr. Bergmann --

24 THE WITNESS: I don't need a break.

25 MR. PFAU: Okay.

1 I appreciate you to allow me to ask you
2 these questions out of order. Thank you.
3 MR. STONE: You want to take an hour for lunch?
4 MR. PFAU: That sounds good.
5 (Pause in the proceedings for lunch.)
6 (Whereupon, Mr. Bergmann exits the deposition.)
7 (Whereupon, Ms. Cherry enters the deposition.)
8 MR. PFAU: Before we start, I had an opportunity
9 to speak with [REDACTED] about the lost wage claim in
10 questions, and you are free to inquire.
11
12 FURTHER-EXAMINATION
13 BY-MR.STONE:
14
15 Q. So are you making a lost wage claim?
16 MR. PFAU: We are going to explore with our
17 experts on making a lost wage claim.
18 BY MR. STONE:
19 Q. Okay. Are you making a lost earnings claim?
20 MR. PFAU: We're going to explore -- yeah, we're
21 going to explore with our experts their earning capacity
22 claim as well.
23 MR. STONE: All right. Let's go on the record.
24 MR. PFAU: That was on the record.
25 MR. STONE: Excuse me. Well, you know, I

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1 I mean, would it have been after your completion of your
2 sophomore year in high school at [REDACTED]?
3 A. I'm sorry. And I just said yes to that. I
4 think it could have been either of those summers.
5 Q. Okay. What year did you graduate from high
6 school?
7 A. I graduated in [REDACTED]
8 Q. Did you at that time know why he was in
9 Seattle?
10 A. No.
11 Q. Do you now know why he was in Seattle?
12 A. I do now know why he was in Seattle.
13 Q. What is your understanding of why he was in
14 Seattle?
15 A. That he was transferred over here for
16 treatment for sexual deviancy.
17 Q. Do you understand that he was also getting a
18 degree in psychology?
19 A. Yes.
20 MR. BERGMANN: Well, it's longer than I thought
21 I would be. Let's just stop. And I'm sure there are
22 going to be some other questions about this in more
23 details, but someone will be here in my place this
24 afternoon to take more notes, but there won't be any more
25 questions from us.

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1 thought --
2 MR. PFAU: I used my on-record voice too.
3 MR. STONE: One of the problems -- while we're
4 on the record --
5 MR. PFAU: Mm-hm.
6 MR. STONE: You know, we have expert selection
7 and disclosure requirements of our own. And we're sitting
8 here today, almost the 1st of June, and still don't know
9 substance and basis of opinions of experts. Apparently
10 they're still a case in progress. We don't know if we're
11 supposed to have experts along these lines or not. I
12 guess my question to you is -- and this case has been in
13 progress for well over a couple of years. Are there any
14 other areas that you're uncertain of at this point?
15 MR. PFAU: Not that I can think of.
16 MR. STONE: All right.
17 BY MR. STONE:
18 Q. [REDACTED], how much have you lost by way of wages?
19 A. I don't know how much I've lost.
20 Q. Okay. How much have you lost by way of any
21 ability to earn an income as a consequence of any abuse
22 that you suffered as a young person?
23 A. I don't know how to figure a dollar amount,
24 so I don't know. But I can tell you what the loss of
25 earnings or earning potential means to me, if that's okay?

EXHIBIT E

1 A. No.
 2 Q. Did you have to take some lessons to be an alter boy?
 3 A. Yes. It was just conversations with him, and it seems
 4 like Father Skylstad.
 5 Q. So you -- did you receive instruction from --
 6 A. Yes.
 7 Q. -- Father Skylstad as well as Patrick O'Donnell?
 8 A. Yes.
 9 Q. From anyone else?
 10 A. I'm sorry?
 11 Q. From anyone else?
 12 A. Not that I remember.
 13 Q. Did you have to learn any Latin?
 14 A. Not that I remember. Although, it seems like there was
 15 a couple of sayings throughout the mass.
 16 Q. How long -- how much training would you say in terms of
 17 hours was needed to become an alter boy?
 18 A. Was needed? A few.
 19 Q. Couple hours?
 20 A. Four or five probably.
 21 Q. And were these group lessons?
 22 A. I remember him taking on a couple of new alter boys.
 23 Q. Okay. I'm sorry. I don't know who "him" is.
 24 A. O'Donnell.
 25 Q. Okay.

1 A. And I also remember -- it seems like Skylstad giving us
 2 a couple of lessons, but I couldn't say that for sure.
 3 Q. So you recall that when you received the lessons, it
 4 was sometimes, at least, in the company of other boys?
 5 A. Sometimes.
 6 Q. Did Bishop Skylstad or Father Skylstad at the time, did
 7 he ever give you wine?
 8 A. No.
 9 Q. Now, again, in looking to your responses to
 10 interrogatories, it indicates here that you moved to the
 11 ██████████ address in Spokane in July of '73. Do you
 12 recall how long after you got there it was that you started your
 13 training as an alter boy?
 14 A. I really don't remember.
 15 Q. How long did you remain an alter boy?
 16 A. I really don't remember.
 17 Q. How frequently did you serve as an alter boy?
 18 A. It seems like it was a couple times a month.
 19 Q. For how long?
 20 A. I don't remember.
 21 Q. More than six months?
 22 A. I believe so.
 23 Q. More than a year?
 24 A. I really -- I really am not sure I could tell you
 25 exactly how long.

1 Q. Well, did you continue as an alter boy after you left
 2 Spokane?
 3 A. No.
 4 Q. Okay. And according to this, you left Spokane in
 5 November of 1976. Is that correct?
 6 A. I believe so.
 7 Q. And at that time, I guess, as of November of -- of
 8 '76 -- let's see. What would you be? 12 years old then?
 9 A. I'd say.
 10 Q. Did I do the math right?
 11 A. I believe so.
 12 Q. Okay. Now, other than the hugging that you described,
 13 when was the next physical contact that you had with
 14 Patrick O'Donnell that you view, at least now, as sexual
 15 molestation or sexual abuse?
 16 A. First confession.
 17 Q. When did you make your first confession?
 18 A. I don't remember.
 19 Q. Were you participating in CCD classes?
 20 A. Yes.
 21 Q. Was your first confession made in the same time frame
 22 as your first communion?
 23 A. No.
 24 Q. What was the -- when did you make your first communion?
 25 A. I was very young.

1 Q. Were you in Seattle at that time?
 2 A. I believe so.
 3 Q. So you had had your first communion before coming to
 4 Spokane, but you'd never had a first confession?
 5 A. That's correct.
 6 Q. And did you participate in CCD?
 7 A. Yes.
 8 Q. Okay. The answers to interrogatories, again, would
 9 indicate that during your time in Spokane, you were a student at
 10 ██████████ Elementary or junior high?
 11 A. Elementary school.
 12 Q. Okay. And as part of, I guess, going to the public
 13 school that you then go to CCD classes?
 14 A. From what I remember, CCD was just a Sunday class. And
 15 -- and I may be thinking of something different than you are.
 16 Q. Where did you get your training, for instance, for your
 17 first penance?
 18 A. It seems like that was part of the Sunday classes.
 19 Q. Okay. Was this, again, in a group setting with other
 20 kids?
 21 A. Yes.
 22 Q. And were they public school kids or kids that went to
 23 Assumption or both?
 24 A. I -- I don't remember.
 25 Q. Approximately how many children went through the

Page 82	Page 84
1 training at the same time you were going through it?	1 A. My mother.
2 A. I really don't remember.	2 Q. Okay. And what did she relate to you as to why you
3 Q. Okay. What instruction was given to you about first	3 were doing this?
4 confession?	4 A. It was to confess your sins.
5 A. Very little as I remember.	5 Q. And did you have a concept at that time what sins were?
6 Q. Who gave the instruction?	6 A. Yes.
7 A. I don't remember.	7 Q. What was your understanding?
8 Q. Did your parents participate as instructors with CCD?	8 A. Anything bad.
9 A. Not with me.	9 Q. Did you understand there was some distinction between a
10 Q. Did any friends of your parents participate as	10 mortal sin and a venial sin?
11 instructors with CCD in Assumption?	11 A. No.
12 A. I don't know.	12 Q. Did you obtain any instruction on how to go about
13 Q. Okay. Again, as part of the -- what you recall of the	13 making an examination of conscience?
14 Sunday instruction that you did receive, was there a time during	14 A. No.
15 the mass where you left and went to a separate place to receive	15 Q. Were you given instruction on what prayers are to be
16 some sort of instruction?	16 said incidental to the confession?
17 A. No.	17 A. I remember being instructed on Hail Mary's, but I don't
18 Q. Was it at some time other than at mass on Sunday?	18 remember what it was for.
19 A. I believe it was after --	19 Q. And did you have some understanding that, at least
20 Q. After mass?	20 expectation, as part of this confessional process that you would
21 A. -- or before. It was sometime on Sunday, and I really	21 be given some prayers to say as a penance?
22 don't remember when.	22 A. Yes.
23 Q. Okay. How long were these sessions?	23 Q. Now, apparently, you had an experience incidental to
24 A. I don't remember.	24 your first confession. Is that what you're telling us?
25 Q. Who gave the training specific to first confession?	25 A. My experience?
Page 83	Page 85
1 A. I really don't remember.	1 Q. Yes. With Patrick O'Donnell that you consider to be
2 Q. And you don't remember any of the training, itself?	2 sexually abusive?
3 A. I remember we called it Sunday school class.	3 A. I had a couple of experiences with him.
4 Q. And who's "we"?	4 Q. All right. And I'd like you to relate those. And
5 A. My brothers and me.	5 let's take the first event first. Tell me what happened.
6 Q. Did any of your brothers attend the same class with	6 A. We've already talked about one of them, and that was
7 you?	7 wine.
8 A. No.	8 Q. Okay. We're -- we're on -- we're beyond that. We're
9 Q. Were you separated by age group or --	9 talking about first confession. Was the wine part of the first
10 A. I believe so.	10 confession?
11 Q. But you don't remember any of the training you had as	11 A. No.
12 far as the, I guess, the -- the mechanics, if you will, of the	12 Q. Okay. Let's talk about --
13 confessional?	13 A. The first confession?
14 A. I really don't. I remember being very nervous about	14 Q. I guess that's the way you characterized it earlier.
15 it, because I think I didn't know a whole lot about it.	15 A. Okay.
16 Q. Did you ever ask your mom and dad as a preliminary to	16 Q. Was it literally your first confessional at that --
17 having a first confession what it was supposed to be?	17 A. Yes, it was.
18 A. I don't remember specifically doing that.	18 Q. And was a first confession conducted with a group of
19 Q. Did your mom or dad ever talk to you about it?	19 kids?
20 A. Specifically confession?	20 A. No, it was at night.
21 Q. Well, or that you're -- you're now preparing yourself	21 Q. And were there other people in the church?
22 to -- to make your first confession and offer you any explanation	22 A. Yes.
23 of what it was about or why you were doing this?	23 Q. And were they waiting in line for the confession?
24 A. I -- I remember vague conversations about it, yes.	24 A. Yes.
25 Q. Okay. With whom?	25 Q. And did you go there with your parents or family

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1 members? 2 A. I believe my parents were there. 3 Q. Okay. And tell us what happened. 4 A. I believe it was at the end of the mass. They were 5 asking people to get up by row forming lines down in between the 6 seats and directing you to the back. And in the back was a -- 7 kind of a classroom, office thing, room, and you were supposed to 8 wait until the person came out, and then as soon as they came 9 out, you'd go in. 10 Q. Now, was there any kind of light that would tell you 11 when it was vacant? 12 A. No. 13 Q. Was this a -- what I would relate as a confessional 14 scene? In other words -- do you know what a confessional is? 15 A. Small room. 16 Q. Did you ever have an understanding or appreciation as 17 part of your training that a confessional would be a -- a small 18 room that you would go in with -- usually equipped with a kneeler 19 and a screen, and the priest would be on the other side of the 20 screen. Have you ever experienced that? 21 A. I didn't at that time. 22 Q. Okay. Have you subsequently? 23 A. I have seen those rooms, yes. 24 Q. Okay. Now, at the time you were going through this 25 process -- and, again, I don't know what time frame you were	1 underneath his robe, his pants were undone, and he held onto my 2 hand and masturbated himself. 3 Q. Now, had you ever experienced masturbation at that 4 point in your life? 5 A. I don't believe so. 6 Q. Did you know what he was doing? 7 A. Yeah, I knew what he was doing. 8 Q. You knew he was masturbating himself? 9 A. I wouldn't have put that word with it. 10 Q. Okay. What would you have put the word with? Is there 11 another phrase or anything that you would attach to it, or would 12 you have -- attach any meaning to it, at all? 13 A. I'm not sure what the phrase would be back when I was 14 that age. 15 Q. Okay. Well, what did you understand the purpose of it 16 was at that age? 17 MR. PFAU: Object to the form. 18 MR. STONE: Well, this -- let me withdraw the question 19 and start over. 20 BY MR. STONE: 21 Q. Have you ever heard the term jack off? 22 A. Yes. 23 Q. Okay. Was that a term that you were familiar with at 24 that age? 25 A. I -- I don't remember.
Page 87	Page 89
1 going through it, for sure. Were you told that you have an 2 option of whether you wanted to have a confession in one of these 3 rooms with a screen in place? 4 A. No. 5 Q. Okay. Now, there was a time that something came up 6 called open confession. 7 A. Okay. 8 Q. Was that ever related to you that -- what it was? 9 A. I have no idea, if it was in those terms. 10 Q. Okay. But you don't -- you don't -- as part of your 11 instruction, you don't remember any distinction between a choice 12 for you, if you wanted to go face-to-face with a priest or, for 13 that matter, if you wanted to, I guess, be -- have a screen 14 between you? 15 A. No. 16 Q. So you were in line. Tell me what happened? 17 A. My turn came, person came out, I went through the door. 18 He was sitting in a chair with his back to the door, and there 19 was a chair or a couple of chairs facing him. So he asked me to 20 confess my sins, so I told him that I had, with a friend, 21 unscrewed Christmas lights and spent an evening throwing them at 22 things and watching them blow up. He -- he made me feel like it 23 was a -- a horrific incident and told me that I needed to kneel 24 in front of him and say a prayer that he was reciting. 25 In addition to that, he took my hand and put it up	1 Q. Okay. Possibly you were? 2 A. I suppose it's possible. 3 Q. Okay. Now, can you tell me when you first experienced, 4 yourself, the sensation of masturbation? 5 A. No, I couldn't tell you for sure. 6 Q. Was it before that incident or after that incident? 7 A. I remember an incident of climbing a bar when I was in 8 elementary school and thinking it felt good. 9 Q. How old were you then? 10 A. Younger. 11 Q. But I presume it wouldn't -- didn't result in any 12 ejaculation or anything of that nature? 13 A. That's correct. 14 Q. When is the first time you ever experienced a sensation 15 associated with any ejaculation? 16 A. I suppose it would be elementary, late elementary 17 school. 18 Q. Would that have been before this? 19 A. I'm really not sure I could say. I don't remember a 20 specific time. 21 Q. Were you in elementary -- was it -- were you still in 22 the Seattle area before you moved to Spokane? 23 MR. PFAU: Object to the form. 24 THE WITNESS: I really don't remember. 25 MR. STONE: Okay.

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1 BY MR. STONE: 2 Q. Now, at the time of this experience, did any of your 3 training or preparation for the confessional in any way suggest 4 to you that this was something to be expected? 5 A. No. 6 Q. Did you understand it to be appropriate conduct at the 7 time? 8 A. I don't know. I know it scared the crap out of me. 9 Q. Okay. And did you appreciate it at the time that it 10 was wrong? 11 A. All my parents ever told me was that priests were good 12 men, and when they tell you to do something, you do it. 13 Q. And my question to you was, did you appreciate at the 14 time that that was wrong? What he was having you do? 15 A. It felt wrong. 16 Q. Okay. So you did feel it was wrong? 17 A. It felt wrong. 18 Q. Okay. Did you ever discuss this incident at any time 19 with Patrick O'Donnell? 20 A. No. 21 Q. How long did this contact last? 22 A. I started crying, hard. I don't know. 23 Q. Did it end in any ejaculation on his part? 24 A. Not that I know of. 25 Q. Did he have any erection?	1 A. Yes. 2 Q. Had you had any prior experience with your father that 3 would lead you to believe that? 4 A. My parents told me that priests were good men. 5 MR. STONE: That wasn't my question. 6 MR. PFAU: Well, that was his -- 7 MR. STONE: I'm going to move to strike the response -- 8 MR. PFAU: That was his response. 9 MR. STONE: -- as nonresponsive. 10 BY MR. STONE: 11 Q. My question is, had you -- 12 MR. PFAU: It was perfectly responsive. 13 MR. STONE: Counsel, I'm not here to argue with you. 14 If you have an objection to the form, please make it. 15 MR. PFAU: Ask the question. 16 BY MR. STONE: 17 Q. My question to you, sir, is did you have any prior 18 experience with your father where he'd gotten angry with you, 19 because you had done something, such as throwing the light bulbs 20 or whatever else? 21 A. Or not cleaning my room? 22 Q. Well, if something -- did he react angrily to you if 23 you did something wrong? 24 A. Yes. 25 Q. Okay. Would he strike you?
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1 A. It seemed like it. 2 Q. Now, meanwhile, you've got a -- still a line of people 3 outside waiting to come in? 4 A. Yes. 5 Q. You were crying? 6 A. Yes. 7 Q. Did you say anything? 8 A. To who? 9 Q. Patrick O'Donnell? 10 A. No. 11 Q. Do you know how long you were in the confessional? 12 A. It felt like forever. 13 Q. Okay. But do you know how long you were in there? 14 A. No. 15 Q. You came out; what did you do? 16 A. I was -- I was crying really hard, so he stopped, said 17 some priest-like phrase, told me that this was between him and I, 18 and that if I said anything that what I did would be told to my 19 father. And I remember at the time wondering if he meant the 20 light bulbs or something else. 21 Q. And you felt threatened by that? 22 A. Yeah. 23 Q. And is that because of -- of your fear of how your 24 father would react if he were to find out, either about the light 25 bulbs or what else had occurred that day?	1 A. No. 2 Q. What was his typical form of punishment? 3 A. His typical was yelling and screaming. There was an 4 occasional spanking. 5 Q. So you left the -- the area then. You were crying. 6 You were told to keep it between yourselves or -- and if anything 7 was said, he'd tell your father, but you didn't know what? 8 A. That's correct. 9 Q. Okay. You left. Then what happened? 10 A. I left. I went out and sat in the row and cried. 11 Q. Were your parents there? 12 A. Yeah. 13 Q. Did they ask you, what's the matter? 14 A. I remember them asking me if I was okay. 15 Q. Okay. And what did you say? 16 A. Fine. 17 Q. Any more discussion? 18 A. No. 19 Q. Did you ever tell them what happened? 20 A. No. 21 Q. Did you ever tell anybody what happened? 22 A. No. 23 Q. When is the first time after that you told anybody 24 about this experience? 25 A. I believe the first time that I ever even gave remote

1 details was to my brother [REDACTED]
 2 Q. And when was that?
 3 A. It was in the mid-nineties.
 4 Q. Now, did you have a similar event to what you've just
 5 described at some later date?
 6 A. I had an event on his boat.
 7 Q. But that was not part of any confession process?
 8 A. No, it was not.
 9 Q. Okay. So when you said earlier in the deposition about
 10 having multiple experiences, I thought you'd said in the
 11 confessional, but I maybe have just misunderstood. There's only
 12 -- there's one -- one event in a confessional situation. Is that
 13 right?
 14 A. That's correct.
 15 Q. Okay. Now -- so we're talking, now, a third event
 16 involving sexual misconduct towards you. Is that right?
 17 A. Um-hmm.
 18 Q. Pardon?
 19 A. Yes.
 20 Q. And that occurred on a boat?
 21 A. Yes.
 22 Q. Where and when?
 23 A. Blake Island.
 24 Q. Now, that's over here on the west side?
 25 A. Yes, it is.

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1 BY MR. STONE:
 2 Q. Did it hurt?
 3 A. Yeah, it did. And I started crying, hard. I remember
 4 thinking, I cannot believe this is happening again. I thought we
 5 were away from him. And I started crying too loud, and he told
 6 me almost the identical thing, and that is, if you say a word, I
 7 will tell your father.
 8 Q. Did he stop?
 9 A. Yeah.
 10 Q. So he stopped in response to your crying?
 11 A. Yeah.
 12 Q. Did you feel any sexual gratification, at all, from
 13 this kind of experience?
 14 A. No.
 15 Q. How long was he physically touching your penis?
 16 A. I don't know. I woke up that way.
 17 Q. Did you have an erection?
 18 A. Yes.
 19 Q. Did you have any ejaculation?
 20 A. No.
 21 Q. Now, you said the family was on the boat?
 22 A. Yep.
 23 Q. How big is the boat?
 24 A. At the time it seemed like a very big boat.
 25 MR. STONE: Well, I'm going to object to the response.

1 Q. How far or how long was it after this event that you've
 2 just described was it that this other event occurred?
 3 A. Some time.
 4 Q. Years?
 5 A. I believe so.
 6 Q. Okay. Tell us what happened?
 7 A. He took my family on a boat trip to Blake Island. It
 8 was an over-night trip, and I -- I slept out on the back deck and
 9 woke up to him with his hand over my mouth and -- and his hand
 10 down the front of my underwear masturbating me and telling me to
 11 be quiet.
 12 Q. And did you stay quiet?
 13 A. For a while.
 14 Q. Then what? Can you tell us what happened?
 15 MR. STONE: I -- I don't want to be insensitive today,
 16 at all. And if this is hard for you and you want to come back
 17 after lunch and tell us what happened, fine. But it's like I'm
 18 having to ask every word. I just want you to tell us what
 19 happened. I know it's difficult.
 20 MR. PFAU: Do you want to take a break, or do you want
 21 to keep going?
 22 THE WITNESS: I'm all right.
 23 MR. PFAU: Okay.
 24 THE WITNESS: He was masturbating me aggressively.
 25

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1 BY MR. STONE:
 2 Q. If you know how big the boat was, do you -- is it --
 3 boats are usually described in terms of maybe some -- so many
 4 feet?
 5 A. At the time I could not have described the boat in so
 6 many feet.
 7 Q. Okay. Can you now, based on your recollection?
 8 A. Based on my recollection, I would say it was about 35
 9 feet long.
 10 Q. Okay. And had you ever been out on this boat before?
 11 A. We'd worked on the boat before.
 12 Q. Who's "we"?"
 13 A. My [REDACTED] and my family.
 14 Q. Okay. And when did this occur?
 15 A. I don't remember.
 16 Q. Was this in Seattle or Spokane?
 17 A. I believe it was in Seattle.
 18 Q. Okay. And how long was the working on the boat prior
 19 to the event you've just described?
 20 A. It seemed like it was a ways before. It was kind of a
 21 nonevent. We went, and it was out of the water, I think, and I
 22 remember cleaning and scrubbing.
 23 Q. Now, do I take it that you had some continuing ongoing
 24 interaction with Patrick O'Donnell between the time of the event
 25 you've described incidental to the -- a confession, and I guess,